

# BOARD OF CERTIFIED REPORTERS

## Meeting Agenda – Thursday, June 8, 2017

Arizona Supreme Court - 1501 West Washington Street

Phoenix, Arizona 85007 - **10:00 A.M.** - Conference Room 109

General Inquiries Call: (602) 452-3378 (Certification and Licensing Division Line)

Members of the Public May Attend Meeting in Person

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**For any item listed on the agenda, the Board may vote to go into Executive Session for advice of counsel and/or to discuss records and information exempt by law or rule from public inspection, pursuant to the Arizona Code of Judicial Administration, Code Section 1-202(C).**

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**CALL TO ORDER .....** *G. Allen Sonntag, Chair*

**1) REVIEW AND APPROVAL OF MINUTES .....** *G. Allen Sonntag, Chair*

*1-A: Review and approval of the regular session minutes for the meeting of April 13, 2017.*

**2) PENDING COMPLAINTS.....***Division Staff*

*2-A: Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation regarding complaint number 15-C005, involving court reporting firms, Legalink, Merrill Corporation and Legalink, DTI Global.*

*2-B: Update regarding the status of pending complaints.*

**3) INITIAL CERTIFICATION AND ELIGIBILITY.....***Division Staff*

*3-A: Review, discussion and possible action regarding pending initial certification applications for the following applicants:*

- 1. Toni Gehm*
- 2. Tanya McCowan*
- 3. Laurel Woodbridge*

**4) LETTER TO THE BOARD.....***Division Staff*

*4-A: Review and discussion regarding letter received from the Arizona Court Reporters Association.*

5) ADMINISTRATIVE ISSUES.....*Division Staff*

CALL TO THE PUBLIC ..... *G. Allen Sonntag, Chair*

ADJOURNMENT ..... *G. Allen Sonntag, Chair*

# **BOARD OF CERTIFIED REPORTERS**

## **Agenda Summary – Thursday, June 8, 2017**

### **1) REVIEW AND APPROVAL OF MINUTES**

*1-A: Review and approval of the regular session minutes for the meeting of April 13, 2017.*

Attached for the Board's review are the regular session minutes from the board meeting of April 13, 2017.

# **BOARD OF CERTIFIED REPORTERS**

## **Agenda Summary – Thursday, June 8, 2017**

### **2) PENDING COMPLAINTS**

*2-A: Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation regarding complaint number 15-C005, involving court reporting firms, Legalink, Merrill Corporation and Legalink, DTI Global.*

This complaint was initially presented to the Board on October 17, 2016, at which time the Board accepted Staff's recommendation and the Probable Cause Evaluator's determination that both Legalink, Merrill Corporation and Legalink, DTI Global ("Merrill Corporation and DTI Global") violated ACJA §§ 7-201(F)(1), (F)(4); 7-201(H)(3)(c)(1), 7-201(H)(6)(a) and (c); and 7-206(J), by failing to respond to the complaint.

On April 20, 2017, the Board filed the Notice of Formal Statement of Charges in complaint number 15-C005, involving Merrill Corporation and DTI Global. Division records reflect Merrill Corporation and DTI Global was served on April 21, 2017.

No answer or request for hearing was filed by Merrill Corporation and DTI Global. Staff recommends that the Board find Merrill Corporation and DTI Global in default and enter a Final Order revoking the registrations of Legalink, Inc., Merrill Corporation, Registration Number R1094; and Legalink, Inc. DTI Global, Registration Number R1135.

# **BOARD OF CERTIFIED REPORTERS**

## **Agenda Summary – Thursday, June 8, 2017**

### **2) PENDING COMPLAINTS**

*2-B: Update regarding the status of pending complaints.*

As of April 10, 2017, there is currently one open complaint which has been presented on this agenda with a dispositive recommendation under agenda item 2-A.

### **CERTIFIED REPORTER COMPLAINTS COURTOOLS MEASURE 4 AGE OF PENDING CASELOAD Shaded Areas Represent Cases within Time Standard of 22 Months**

<b>Age (Months)</b>	<b>Number Cases</b>	<b>Percent</b>	<b>Cumulative Percent</b>
<b>0-4</b>	0		
<b>5-9</b>	0		
<b>10-14</b>	0		
<b>15-19</b>	0		
<b>20-22</b>	1	100%	100%
<b>23-35</b>			
<b>36-50</b>			
<b>Over 50</b>			
<b>Total</b>	<b>1</b>	<b>100%</b>	<b>100%</b>

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## **Agenda Summary – Thursday, June 8, 2017**

### **3) INITIAL CERTIFICATION AND ELIGIBILITY**

*3-A: Review, discussion and possible action regarding pending initial certification application for the following applicants:*

1. Toni Gehm has applied for initial certified reporter certification and meets the minimum eligibility requirements for standard certification. No information has been presented during the background review which is contrary to standard certification being granted.

Staff recommends approval of initial certified reporter certification to Toni Gehm.

2. Tanya McCowan has applied for initial certified reporter certification and meets the minimum eligibility requirements for standard certification. Ms. McCowan disclosed a 1990 misdemeanor conviction that occurred in Santa Monica, California for fraudulently using a credit card that did not belong to her. Ms. McCowan's sentencing included probation, community service and fines. Ms. McCowan stated all charges were adjudicated once she successfully completed all the terms in her sentencing. Ms. McCowan also disclosed a work suspension that occurred in 2015 for failing to deliver a transcript by a certain deadline. Ms. McCowan was suspended for approximately one working day. Ms. McCowan stated that "I put an appeal transcript in county messenger service and no one picked up the transcript to get it to another courthouse. "This was during a transition period from sending transcripts through ISD count messenger to a new way that they were implementing county mail."

Ms. McCowan's criminal matter was over 27 years ago and at the conclusion of Division's investigation, she has not incurred any additional criminal charges or convictions. Ms. McCowan has since gained meaningful employment and also has current contingent work offer by the Maricopa County Superior Court.

Staff recommends approval of initial certified reporter certification to Tanya McCowan.

3. Laurel Woodbridge has applied for initial certified reporter certification and meets the minimum eligibility requirements for standard certification.

In Ms. Woodbridge's application she disclosed a 1978 car accident related law suit and a 2005 dissolution. Ms. Woodbridge also stated in her application:

"...there were some debts that needed to be taken care of from that dissolution, which have been resolved. It would take a huge amount of research and time to recreate what all that involved but if the Board feels it is necessary, I will attempt to do the best I can do [sic] provide the necessary information.

I assure you that I take my duties as an officer of the court seriously, and have been granted licenses, and am in good standing, in the States of California, Kansas and Missouri; in addition, to a recent application and acceptance in Tennessee.”

The “debts that needed to be taken care of from that dissolution” were three civil collection cases 13LA4762, 11LA12369, and 11LA11783. Each of these cases involved debt that was incurred after her divorce. 11LA12369 and 11LA11783 were resolved in 2012. 13LA4762 was resolved in 2014.

At the September Board meeting, the Board considered and deferred its decision regarding Ms. Woodbridge’s application for certification. The Board instructed staff to continue its investigation and further develop the facts as to why Ms. Woodbridge did not disclose the three collection actions.

Staff contacted Ms. Woodbridge requesting additional information concerning how Woodbridge could remember a 1978 car accident case and a 2005 divorce, but could not remember two 2012 and a 2014 collection actions, all totaling \$5,468. In an interview Ms. Woodbridge stated the collection actions were a result of the divorce and something the other party was supposed to pay, but did not. Woodbridge said that she paid the collection actions and dismissed them from her memory as she did not want to think about this painful time in her life.

Staff contacted the District Court of Johnson County, Kansas and found the cases in question. Ms. Woodbridge’s name or her alias’ Laurel Ann Laubach-Rose and Rose Lubach was the defendant on all of the documents. Staff found an additional collection case, 13CV08737 with a motion and order to pay with a release dated 10/21/2015.

Staff requested Woodbridge send Division a copy of her “Property Settlement Agreement” (“Agreement”), mentioned in her dissolution paperwork. Ms. Woodbridge said she didn’t have the Agreement, and didn’t even know if it existed.

Staff contacted the District Court of Johnson County, Kansas and acquired a copy of the Agreement. The Agreement stipulated that anything contracted after the divorce was to be paid by the contracting party. The Agreement also stipulated that all community debts needed to be listed in the Agreement. The debts described in the four collection matters were not listed in the settlement agreement.

After receiving this information, staff again interviewed Ms. Woodbridge. In this interview, Ms. Woodbridge acknowledged that the four debts were hers and that the debts have been paid in full. When asked if the debts were part of the divorce, Ms. Woodbridge responded “no” and that the debts were incurred after the divorce but that the divorce created the situation where she did not have the resources to repay the debts.

Staff recommends denial of certification for Ms. Laurel Woodbridge. While Ms. Woodbridge’s application contains a general description of “some debts”, it does not describe the four lawsuits. In addition, Ms. Woodbridge’s explanation concerning the debts arising from her divorce and that someone else was to pay the debts is not supported by the documents or her subsequent explanation.

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### **4) LETTER TO THE BOARD**

*4-A: Review and discussion regarding letter received from the Arizona Court Reporters Association.*

Staff will present information at the meeting.